Andrew H. Wilson WILSON, RYAN & CAMPILONGO 235 Montgomery Street Suite 450 San Francisco, California 94104 (415) 391-3900

2

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

20

21

22

23

24

25

26

27

28



JUN 05 1997

Attorneys for Plaintiff CHURCH OF SCIENTOLOGY INTERNATIONAL

Defendants.

JOHN P. MONTGOMERY, Court Executive Officer MARIN COUNTY COURTS By: C. Baker, Deputy

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

## FOR THE COUNTY OF MARIN

CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California
not-for-profit religious
corporation;

Plaintiff,

Vs.

GERALD ARMSTRONG; DOES 1
through 25, inclusive,

The contempt proceedings against Defendant GERALD ARMSTRONG came on for hearing by the Court on May 23, 1997 pursuant to this Court's ORDER TO SHOW CAUSE RE CONTEMPT issued on February 18, 1997, and further pursuant to this Court's ORDER ALLOWING SERVICE OF THE ORDER TO SHOW CAUSE RE CONTEMPT issued on March 5, 1997. Petitioner CHURCH OF SCIENTOLOGY INTERNATIONAL appeared by its counsel, Andrew H. Wilson. Defendant ARMSTRONG did not appear nor did Defendant file any opposition or evidence.

GOOD CAUSE APPEARING THEREFOR, the Court makes the following findings:

 On October 17, 1995 this Court entered an Order of Permanent Injunction against ARMSTRONG (the "Order") following motions for summary adjudication brought by Plaintiff. This Order was later incorporated into a judgment entered against Mr. Armstrong on May 2, 1996 (the "Judgment"). The Order prohibits ARMSTRONG from voluntarily assisting any persons litigating claims adverse to the "Beneficiaries" and from creating or publishing "works" discussing any of the Beneficiaries. One of the Beneficiaries is a corporation known as Religious Technology Center ("RTC").

- 2. The Order was valid when rendered and remains fully enforceable, notwithstanding ARMSTRONG's appeal of the Judgment. The filing of a Notice of Appeal does not render a valid order unenforceable.
- 3. ARMSTRONG had knowledge of the Order. ARMSTRONG's counsel appeared at the hearing pertaining to the Order and received Notice of Entry. ARMSTRONG also received a Notice of Entry of Order which was served on his counsel. ARMSTRONG's actual knowledge of the Order is also shown by the fact that ARMSTRONG himself signed and filed a Notice of Appeal of the Judgment.
- 4. ARMSTRONG had the ability to comply with the Order. The Order was specific. It prohibited ARMSTRONG from voluntarily assisting any person arbitrating or litigating adversely to the Beneficiaries and also prohibited ARMSTRONG from facilitating in any manner the creation, publication, broadcast, writing, electronic recording or reproduction of various documentary works. There has been no suggestion, and certainly no showing by ARMSTRONG, that he is incapable of complying with the Order.

18;

20 €

10

12

13

15

17

18

20

22

24

26 27

28

January 26, 1997, ARMSTRONG sent a document entitled DECLARATION OF GERALD ARMSTRONG to United States District Judge Ronald M. Whyte. Judge Whyte was at the time presiding over three cases in which the plaintiff is RTC. In the Declaration, ARMSTRONG recites his understanding that he was prohibited from sending such a Declaration directly to litigants and states that he is instead sending it directly to Judge Whyte in the hopes of influencing his decision on a pending matter. This evidences ARMSTRONG's willful disobedience of the Order and Judgment.

IT IS HEREBY ADJUDGED, ORDERED AND DECREED that Defendant GERALD ARMSTRONG is guilty of Contempt of Court for a failure to obey the Order and Judgment by sending the Declaration, as described above, to Judge White. As set forth above, the Order was valid and enforceable; ARMSTRONG had knowledge of the Order, had the ability to comply with the Order and willfully disobeyed the Order.

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that Defendant GERALD ARMSTRONG is to be punished for the foregoing contempt by a fine of \$1,000.00 and confinement in the County Jail for a period not to exceed 48 hours.

Dated: JUN 0 3 1997

GARY W. THOMAS

JUDGE OF THE SUPERIOR COURT

does to be use CQ.000Thompseppe.ord